

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

SIOMARA MARQUETTI  
2163 Clearence Avenue  
Lakewood, Ohio 44107

*Plaintiff,*

-VS-

ideastream, a not for profit corporation  
1375 Euclid Avenue  
Cleveland, Ohio 44115-1835

*Defendant.*

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) Case No.

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) Judge

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) **COMPLAINT**

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) (Jury Demand Endorsed Hereon)

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Now comes Plaintiff Siomara Marquetti, by and through counsel, and for her Complaint states as follows:

**INTRODUCTION**

This is an action for religious discrimination and retaliation pursuant to 42 U.S.C. §2000(e) *et seq.* (Title VII of the Civil Rights Act of 1964), as amended, and O.R.C. 4112.01 *et seq.*

**JURISDICTION**

The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1331 and 28 U.S. C. § 1343.

**BACKGROUND**

1. At all times relevant to this Complaint, Plaintiff was a resident of Cuyahoga County and an employee of ideastream, an Ohio not for profit corporation, and an employer within the meaning of Title VII, 42 U.S. C. §2000e, *et seq.* and O.R.C. 4112.01, *et seq.*

2. Ms. Marquetti is a 33 year old African-American Christian female expressly authorized to bring this action under 42 U.S.C. §2000e *et seq.* and O.R.C. 4112.01, *et seq.*

3. Ms. Marquetti was employed by ideastream from February 24, 2014 until June 18, 2018 in the Development Department, first as a Coordinator of Volunteers and beginning in August 2017, as the Coordinator of Volunteer Engagement.

4. Ms. Marquetti is a graduate of Kent State University in Applied Communication Studies.

## **STATEMENT OF CLAIMS**

### **Conditions Precedent**

5. More than 30 days prior to the institution of this lawsuit, on November 20, 2018, Ms. Marquetti filed a Charge with the Equal Employment Opportunity Commission, (the “EEOC”), alleging a violation of Title VII by ideastream.

6. On December 5, 2018, she received notice from the EEOC of her right to pursue a private action under 42 U.S.C. §2000e, *et seq.*

7. Ms. Marquetti timely files this Complaint within the statutory ninety (90) day time period. All conditions precedent to the institution of this lawsuit have been fulfilled.

### **STATEMENT THE CLAIM FOR RELIEF**

8. Plaintiff incorporates by reference Paragraphs 1 through 7 as if fully restated herein.

9. ideastream has engaged in unlawful employment practices in violation of 42 U.S.C. §2000e, *et seq.* and O.R.C. 4112.01, *et seq.*, exemplified by its failure to accommodate Ms. Marquetti's protected religious practices.

10. After August 2017, Ms. Marquetti's duties included recruiting, orienting and placing volunteers during events and to assist with various departmental needs.

11. On about June 12, 2018, a co-worker reminded Ms. Marquetti that she had requested two volunteers for a donor tour on June 14, 2018.

12. Ms. Marquetti had some difficulties finding the volunteers and notified her supervisor, Dan Nelson. Mr. Nelson said he would help.

13. Instead of helping, on June 12, 2018, Mr. Nelson notified Ms. Marquetti that three volunteers would be needed and that Ms. Marquetti must stand in as the third volunteer.

14. Ms. Marquetti explained that she could not personally participate because she was she was scheduled to practice with her worship team at her church on the same day and time.

15. Upon hearing this Mr. Nelson walked to Ms. Marquetti's desk and told her to meet with him in a conference room and ordered her to participate in the tour.

16. When the meeting became heated and emotional, Ms. Marquetti asked to meet in the presence of a representative of Human Resources.

17. A co-worker offered to stand in for her as the third volunteer on the tour and Ms. Marquetti accepted. The tour was successfully conducted as scheduled and lead to the desired donation to ideastream.

18. On about June 18, 2018, Ms. Marquetti was called to a meeting with Dan Nelson and the Human Resources Director and when she appeared, was fired.

19. As a direct and proximate result of Defendant's actions, Ms. Marquetti suffered damages in an amount to be determined at trial along with other reasonably anticipated results including anxiety and emotional effects.

**COUNT ONE**  
**(Religious Discrimination in Violation of**  
**Title VII, 42 U.S.C. § 2000e, *et seq.*)**

20. Plaintiff incorporates by reference Paragraphs 1 through 19 as if fully restated herein.

21. The actions and practices of Defendant as described were intentional violations of Ms. Marquetti's right to be free of discrimination due to her religion or her religious beliefs.

**COUNT TWO**  
**(Retaliation in Violation of**  
**Title VII, 42 U.S.C. § 2000e, *et seq.*)**

22. Plaintiff incorporates by reference Paragraphs 1 through 21 as if fully restated herein.

23. The actions and practices of Defendant as described constituted retaliation on account of her request for accommodation.

**COUNT THREE**  
**(O.R.C. 4112.01, *et seq.*)**

24. Plaintiff incorporates by reference Paragraphs 1 through 23 as if fully restated herein.

25. The actions of Defendant, as alleged, violate the provisions of the Ohio Revised Code Section 4112.02(A), Unlawful Discriminatory Practices.

**WHEREFORE**, Plaintiff respectfully requests that this Court award damages to her and against Defendant in excess of \$25,000.00, including all statutory damages, compensatory damages, attorney fees, court costs, post-judgment interest, and all other relief, whether in law or in equity, which will fully and fairly compensate Plaintiff for her injuries and damages.

/s/ Nancy C. Schuster  
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*Counsel for Plaintiff Siomara Marquetti*

**JURY DEMAND**

Plaintiff demands a trial by jury in the above entitled action.

/s/ Nancy C. Schuster  
NANCY C. SCHUSTER #0020690

*Counsel for Plaintiff Siomara Marquetti*